

**IN THE UNITED STATES BANKRUPTCY COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA**

IN RE: ALFONZO MCMILLIAN)	CASE NO. 07-14115-NLJ
)	
)	Chapter 13
Debtor(s).)	

**DEBTOR'S MOTION TO DEEM REAL ESTATE MORTGAGE PAID IN FULL
OR IN THE ALTERNATIVE DEEMED CURRENT**

COMES NOW the Debtor, Alfonzo McMillian by and through his attorney, Dekovan L. Bowler, and hereby moves this Court for an Order Deeming the mortgage on his rental real estate located at 1805 N.E. 53rd, Oklahoma City, Oklahoma held by America's Servicing Company (hereinafter referred to as "ASC") and or Wells Fargo Home Mortgage(hereinafter referred to as Wells Fargo) as Paid in Full or in the Alternative Deemed Current. In support of said Motion, the Debtor would show the Court as follows:

1. Debtor filed for relief under the provisions of Chapter 13 Bankruptcy on November 8, 2007.
2. Debtor's Chapter 13 Plan was confirmed on March 11, 2008.
3. Deadline to file claims by a non- governmental unit was March 19, 2008 ASC failed to file their claim on the real estate at issue but filed a proof of claim on debtor's homestead (debtor's home and rental real estate were both financed by ASC). On December 18, 2008 debtor filed a proof of claim on behalf of America's Servicing Company.
3. As part of the confirmation Order Debtor's homestead mortgage payments were to be paid directly by the debtor to ASC outside of the plan of reorganization while his rental real estate mortgage and arrearages were to be paid by the chapter 13 Trustee.
4. ASC has refused ongoing mortgage and arrearage payments from the Chapter 13 Trustee and Debtor has sent electronic mail request to ASC's and it's foreclosure attorneys (

Baer & Timberlake) explaining the problem and requesting their help in resolving this major problem.

5. To date there has been no response from the mortgage holder except to refund payments back to the chapter 13 trustee.
6. The Chapter 13 Trustee has now refunded debtor his plan payments and is currently in the process of closing out the chapter 13 case.
7. It is debtor's belief that after the chapter 13 case is closed and the case is discharged ASC and/or Wells Fargo Home Mortgage will move forward to complete the pending foreclosure on his rental home located at 1805 N.E. 53rd, Oklahoma City, Oklahoma.

WHEREFORE, PREMISES CONSIDERED, the Debtor pray that this Motion be granted, that he Rental Property Located at 1805 N.E. 53rd be deemed mortgage Free or in the alternative current with no arrearages and for all other relief that he is entitled to and which is allowed by bankruptcy law.

Respectfully Submitted,

/s/ Dekovan L. Bowler
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ATTORNEY FOR THE DEBTORS

CERTIFICATE OF SERVICE

This is to certify that on the 30th day of July, 2009 a true and correct copy of the above and forgoing Objection to claim and Notice was mailed postage prepaid to: America's Servicing, One Home Campus, BK Pmt Proc/Mac #x2302-04C, Des Moines, Iowa. 50328 and Wells Fargo Home Loans, P.O. Box 98798, Las Vegas, Nevada. 89193.

/s/ Dekovan L. Bowler
DEKOVAN L. BOWLER